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ELECTION COMMISSION, INDIA

(Election Tribunal, Gorakhpur)

NOTIFICATION

Gorakhpur, the 18th July 1955

**S.R.O. 1651.**—In pursuance of the provisions of sub-section (i) of section 90 of the Representation of the People Act, 1951 (XLIII of 1951), the following election petition presented under Section 81 thereof is published for information.

BEFORE THE HON'BLE ELECTION COMMISSION FOR INDIA, NEW DELHI

ELECTION PETITION No. 8 of 1955

Petition of Sri Mahadeva, under Section 81 of the Representation of the People's Act, 1951

Sri Mahadeva, son of Sri Parmeshwar Prasad, resident of House No. 28, Anandnagar (Bazar) who was a candidate for the by-election to the House of the People from the Gorakhpur District (North) Parliamentary Constituency—*Petitioner.*

*Versus*

1. Sri Shibban Lal Saksena, son of B. Chhotey Lal, resident of house No. 10, Mohalla Allahdadpur in Gorakhpur City.
2. Sri Pandit Govind Malviya, son of the late Mahamana Pandit Madan Mohan Malviya, Banaras Hindu University, Banaras.
3. Sri Hari Lal Saxena, son of B. Chhotey Lal, Delhi—*Respondents.*

The humble petitioner begs to submit as follows:—

1. That the petitioner was a candidate for election to the House of the People from Gorakhpur District (North), a single member Parliamentary constituency and the respondents nos. 1, 2 and 3 were also candidates for the House of the People from the same constituency.

2. That subsequently the petitioner and respondent No. 3 withdrew their nominations and respondent No. 1 and 2 remained thereafter duly nominated candidates to contest in the election.

3. That the Polling was held on 27th February 1955 between the two contestants, namely, respondent No. 1 and 2.

4. That the respondent No. 1 due to his corrupt and mal practices and false hopes extended to voters secured majority of votes in his favour and consequently was declared returned.

5. That the respondent No. 1, in order to succeed in the election took recourse to all sorts of corrupt practices specified under section 123 of the Representation of People's Act, 1951 and as such his election and declaration thereof as a returned

candidate are void. The said corrupt practices *inter alia* comprise of procuring or obtaining by the respondent no. 1, or his agents, and assistants for the furtherance of the prospects of his election from persons serving under the Government of the Uttar Pradesh other than giving of vote by such persons. Particulars so far as available at present to the petitioner are given in the List. On necessary discovery and inspection being given more particulars will be submitted and the petitioner begs leave to add to or vary such particulars at a later date.

6. That the respondent no. 1, and his agents, and other persons working for him, in his knowledge and at times with their deliberate connivance, committed corrupt practices as specified in section 124 of the Representation of People's Act 1951 and a list of such practices is submitted as required.

7. That the statement of account in the return of election expenses as lodged by the respondent no. 1 is false and should be rejected.

8. That on account of the adoption of the above-mentioned mal and corrupt practices the respondent no. 1 was declared returned.

9. That but for the votes obtained by the returned candidate by corrupt and illegal practices, the respondent no. 2 would have obtained a majority of the valid votes.

Therefore the petition is being filed with the following prayer:—

that the election of the respondent no. 1 be declared null and void and set aside and respondent no. 2 be declared duly elected.

(Sd.) MAHADEVA,  
Petitioner.

The 10th May 1955.

I, Mahadeva do hereby verify that the contents of the para nos. 1, 2 and 3 are true to the best of my knowledge and belief and that the para no. 4, 5, 6, 7 and 8 on information believed to be true.

(Sd.) MAHADEVA,  
Petitioner.

The 10th May 1955.

#### BEFORE THE HON'BLE ELECTION COMMISSION FOR INDIA, NEW DELHI

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3. Sri Hari Lal Saxena, son of B. Chhotey Lal, Delhi—*Respondents*.

##### PARTICULARS OF CORRUPT PRACTICES

The humble petitioner begs to submit as follows:—

1. That the petitioner and the respondents No. 1, 2 and 3 were candidates for the House of the People from the Gorakhpur District (North) Constituency. The petitioner and the respondent no. 3 having withdrawn the contest remained between the respondent no. 1 and 2 and the respondent no. 1 was declared returned defeating the respondent no. 2.

2. That the petitioner being a duly nominated candidate and also a voter was interested in the result of the election. The polling in the constituency took place on February 27, 1955.

3. That the corrupt practices specified under section 123 and 124 of the Representation of People's Act, 1951 were committed by the returned candidate, respondent no. 1 and as such the election of the respondent no. 1 is void. Particulars of the corrupt practices resorted to are given in detail so far as available and known to the petitioner in the following paragraphs and he further begs leave

to be allowed to amend or better the particulars in regard to any matter referred to therein to be furnished at a later date hereafter.

#### SPECIFICATIONS UNDER SECTION 123

4. That the respondent No. 1 induced the voters to vote for him by offering bribe in the shape of free distribution of clothes and grain and even by offering pecuniary considerations during the course of the progress of his election campaign. Several bales of clothes and bags of grain were distributed freely in various villages and market places, a few of them are given in list A.

5. That in order to bring about undue influence on the voters, he managed to persuade the local Panchayat Officer and also his sympathisers in Canal Department to realize five year Panchayat dues and also canal dues irrespective of their being legally or illegally levied to, which were mostly realized with all brutality at their command. The voters and people in general were therefore extremely harassed by these realizations which produced a great dissatisfaction against the Congress and Congress Government. This fact of tortuous treatment in the realization of dues referred to above influenced the prospects of the respondent No. 2, the Congress candidate, quite adversely.

6. That the respondent No. 1 and his agents and other persons working for him with his and his agents' connivance procured, abetted, and attempted to procure or to obtain ballot papers in the name of other persons living or dead and infictitious names to cast vote for him; and a number of such false persons voted for him in the name of other who were either dead or not available at the time of the polling. A list of some of such persons who voted in the name of others is given in the list B.

7. That the respondent No. 1 obtained and procured the services of the Mukhlis, Lekhpals, Kurk Amins and Patrols to further the prospects of his election. A list of some of the Mukhlis who canvassed and also worked as his agents, and Lekhpals who besides canvassing for him, helped him by falsely identifying wrong persons for the persons who were actually dead or not present at the time of polling at the Booth as per list B, are given in the list C/1 and C/2 respectively and several Kurk Amins and Patrols as submitted earlier helped the respondent No. 1 by illegal terrorism while realizing the Panchayat and Canal dues. This they did by forcing people to pose like cock by putting bricks on their necks. A list of a few of such Kurk Amins is submitted in list C/3.

8. That the respondent No. 1 hired and procured vehicles both on payments and otherwise for carrying voters to and from polling booths. A list of such vehicles will be submitted later on.

9. That he incurred expenses much more than provided under the Act and Rules and his return of election expenses as lodged by him is false and he has tried to hide a number of important items of expenses, for example, the charges of hiring heavy vehicles for carrying voters to and from Polling Booths have not been mentioned.

#### SPECIFICATION UNDER SECTION 124

10. The respondent No. 1 spread venom against the respondent No. 2 propagating that the latter being an orthodox Brahmin believed in untouchability and would not take food or water touched by any person other than from his own kith and kin. This caste prejudice affected the sense of untouchability among the major section of the non-Brahmins and Muslim community. In addition to this he did also grotesque propaganda about the declaration by the Uttar Pradesh Government about the abolition of cow-slaughter and fanned up the Muslim religion feeling about cow-slaughter which prejudiced the Muslim voters.

#### PRAYER

The petitioner, therefore, prays that the election of respondent No. 1 be declared null and void and set aside and re-election be ordered in the constituency in question.

(Sd.) MAHADEVA,  
Petitioner.

The 10th May 1955.

I, Mahadeva, do hereby verify that the facts in paras 1, 2, 3 and 4 are true to the best of my knowledge and that facts in the remaining paras are true partly on my own knowledge and partly upon information received and believed to be true.

(Sd.) MAHADEVA,  
Petitioner.

The 10th May 1955.

## LIST A

A list of the villages and market places in the constituency where clothes and grain were distributed freely by the respondent No. 1 in order to induce the voters:—

*Market place*

1. Anandnagar
2. Siswa
3. Ghughuli
4. Mahrajganj
5. Nichlaul
6. Partawal Bazar
7. Bahaduri Bazar
8. Lakshmipur
9. Adda Bazar.

*Village*

10. Gopalpur
11. Pharenda Khurd
12. Lejar Nahdeva
13. Bhitaull
14. Semara
15. Dharampur
16. Harpur Mahanth
17. Jara
18. Moghalaha
19. Bakainiha
20. Paisia
21. Sohas
22. Narka taha
23. Badahara
24. Madhonagar
25. Katrari
26. Bargadahi Basant Nath
27. Chauk
28. Bagapar
29. Paniara
30. Majuri
31. Barawa Khurd
32. Kuan Chaf
33. Babhnauli
34. Debipur.

(Sd.) MAHADEVA.

## LIST B

The name of the persons who voted for persons dead or absent at the time of polling:—

1. Sri Ram Asarey s/o Sri Thakurdin, resident of Naikot, polling station Barawa Khurd.  
Sri Ram Asarey voted for his father Sri Thakurdin who was not present at the booth at the time of polling.
2. Sri Phool Chand s/o Sri Mahadeva, resident of village Semara, polling station, Bhitaull, voted for Sri Mahadeva who was not present at the booth at the time of the polling.
3. A certain person obtained ballot paper and voted for Bharath s/o Jagmohan, resident of Pharenda Khurd who is dead as per the voters' list.

4. Thagai s/o Chhotkan Dhobi, village Sohas, Polling Station Sohas voted for Chhotkan s/o Shiva Charan. The vote was duly challenged by Sri Birju s/o Sri Bhoolan, agent of Sri Pt. Govind Malviya.

(Sd.) MAHADEVA.

#### LIST C/1

List of the Mukhias who canvassed and worked for the respondent No. 1:—

1. Sri Mohar Lonia s/o Sri Jagnandan, village Mujuri, Mukhia of the village Mujuri, Polling station Mujuri.
2. Sri Haribansh Prasad Shukla s/o Sri Nand Kumar Shukla, resident of village Ganeshpur, Polling station Harpur Mahanth.
3. Sri Sita Ram s/o Sri Jamuna Dube, village Harpur Mahanth, polling station Harpur Mahanth.
4. Sri Goli Rai s/o Sri Jageshar Rai, village Semara, polling station Bhitauli.
5. Sri Mohd. Sarif s/o Sri Hiyati, village Soharauna, polling station Harpur Mahanth.
6. Sri Jit Kahanr s/o Sri Bali, village Kodaila, polling station Imilia.
7. Sri Nagesar s/o Sri Jagannath, village Mahadevia, polling station Raj Mandir.
8. Sri Rasool s/o unknown, village Siswa Munshi, polling station Dharampur.
9. Sri Sahdul s/o Sri Mujaffar, village Gangrai, polling station Dharampur.
10. Sri Riazul Haq s/o Sri Azimullah, village Tarkulawa, polling station Tarkulawa.
11. Sri Ram Naresh Singh s/o unknown, village Panchrukha, polling station Belwatkar.
12. Sri Moharalli Khan s/o unknown, village Bargadahi, polling station Belawa Buzurg.

(Sd.) MAHADEVA.

#### LIST C/2

The list of the Lekhpals whose help was procured or obtained by the respondent No. 1 in his election:—

1. Sri Tirbeni Lal, Lekhpal, tahsil Mahrajanj, posted at the polling station, Sohas.
2. Sri Tirath Lal, Lekhpal, tahsil Pharenda, posted at the polling station, Ganeshpur.

(Sd.) MAHADEVA.

#### LIST C/3

##### *List of Kurk Annis*

1. Sri Shambhoo.
2. Sri Jagdish Lal.

Both of them realizing Panchayat tax near Lakshmipur in Pharenda tahsil.

(Sd.) MAHADEVA.

S. G. ALAM, *Chairman.*

[No. 82/8/55/8391.]

By Order,

K. S. RAJAGOPALAN,

*For Chief Election Commissioner.*

